

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

HUMANA INC.,

and

HUMANA BENEFIT PLAN OF TEXAS,
INC.,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity
as Secretary of the United States Department
of Health and Human Services,

and

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

No. 4:23-cv-00909-O

**PLAINTIFFS' RESPONSE TO DEFENDANTS' CROSS-MOTION FOR SUMMARY
JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.4 of the United States District Court for the Northern District of Texas, Plaintiffs Humana Inc. and Humana Benefit Plan of Texas, Inc. (collectively, "Plaintiffs") respectfully file this Response to Defendants' Cross-Motion for Summary Judgment. Pursuant to Local Civil Rule 56.4(b), each of the matters required by Local Civil Rule 56.4(a) is set forth in the accompanying Plaintiffs' Consolidated Reply in Support of Motion for Summary Judgment and Opposition to Defendants' Cross-Motion for Summary Judgment.

Plaintiffs respectfully request that the Court grant Plaintiffs' Motion for Summary Judgment and deny Defendants' Cross-Motion for Summary Judgment.

Dated: February 3, 2025

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By: /s/ Timothy S. Durst

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CERTIFICATE OF SERVICE

On February 3, 2025, a true and correct copy of the foregoing document was served upon all persons who have requested notice and service of pleadings in this case via the Court's CM/ECF system.

/s/ Timothy S. Durst
Timothy S. Durst